

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY ANDERSON,

Plaintiff,

Case No. 17-CV-12854

vs.

HON. GEORGE CARAM STEEH

WILLIAM BORGERDING, et al.,

Defendants.

_____ /

ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION [DOC. 46]

Plaintiff Jerry Anderson is currently incarcerated by the Michigan Department of Corrections (MDOC) and filed this pro se civil rights action on August 28, 2017. Plaintiff alleges violations of his Eighth and Fourteenth Amendment rights arising from a transfer of his MDOC housing as well as the health care he has received from MDOC. The case is before the court on defendants' four motions to dismiss [ECF Docs. 22, 23, 33, 45] as well as three motions filed by plaintiff [ECF Docs. 10, 25, 40]. The motions were referred to Magistrate Judge Majzoub, who issued a Report and Recommendation recommending that defendants' motions to dismiss be granted due to plaintiff's failure to exhaust his administrative

remedies and denied with regard to their requests for costs and attorney fees. The Report and Recommendation further recommends that plaintiff's motions be denied as moot and his complaint be dismissed without prejudice.

The court has reviewed the file, record, and magistrate judge's report and recommendation. Objections to that report have not been filed by plaintiff within the established time period. The court agrees with the analysis conducted by the Magistrate Judge, and therefore accepts her recommendation in its entirety. Accordingly,

IT IS HEREBY ORDERED that defendants' motions to dismiss are GRANTED and their requests for costs and attorney fees are DENIED.

IT IS HEREBY FURTHER ORDERED that plaintiff's action is DISMISSED without prejudice for failure to exhaust his administrative remedies.

Dated: July 25, 2018

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 25, 2018, by electronic and/or ordinary mail and also on Jerry Anderson #160598, Lakeland Correctional Facility, 141 First Street, Coldwater, MI 49036.

s/Marcia Beauchemin
Deputy Clerk